

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 18, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals 519- 741-2200 ext. 7765

PREPARED BY: Ben Suchomel, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: June 5, 2024

REPORT NO.: DSD-2024-271

SUBJECT: Minor Variance Application A2024-045 – 3 Ivy Lane Court

RECOMMENDATION:

That Minor Variance Application A2024-045 for 3 Ivy Lane Court requesting relief from Section 7.3, Table 7-2 of Zoning By-law 2019-051, to permit a rear yard setback of 3 metres instead of the minimum required 7.5 meters to facilitate the construction of a raised one (1) storey addition and deck at the rear of the existing detached dwelling, generally in accordance with drawing and plans prepared by BHF Engineering Solutions Inc., dated April 25, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a raised one-storey addition and deck at the rear of the existing detached dwelling;
- The key finding of this report is that the minor variance meets the four tests of the Planning Act;
- There are no financial implications;
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting;
- This report supports the delivery of core services.

BACKGROUND:

The subject property is a corner lot containing a detached dwelling located on Ivy Lane Court.



Figure 1: Aerial Photo of the Subject Property.

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The purpose of the application is to review a minor variance application to facilitate the construction of a raised one-storey addition and deck at the rear of the existing detached dwelling. The subject property currently contains a single detached dwelling, which has a front yard setback of 9.2 metres, a right-side yard setback of 1.2 metres, and a left side yard setback of 4.5 metres, which all meet or exceed the minimum setback requirements outlined in Zoning By-law 2019-051. The existing rear yard setback is approximately 7.95 metres, which is greater than the minimum requirement of 7.5 metres.

The applicant is proposing to add a raised one-storey addition and deck at the rear of the subject property. The proposed dimensions of the addition are 6.71 metres in length, and 4.88 metres in width (as shown in Figure 2). The deck is proposed to be similar in size as the existing deck, just shifted to allow the new addition to be constructed off the patio door. As the existing rear yard setback is 7.95 metres, the proposed addition with a width of 4.88 metres would result in a rear yard setback of 3 metres, which does not meet the minimum requirement set out in the Zoning By-law. Accordingly, a minor variance is requested to allow a rear yard setback of 3 metres for both the addition and deck.

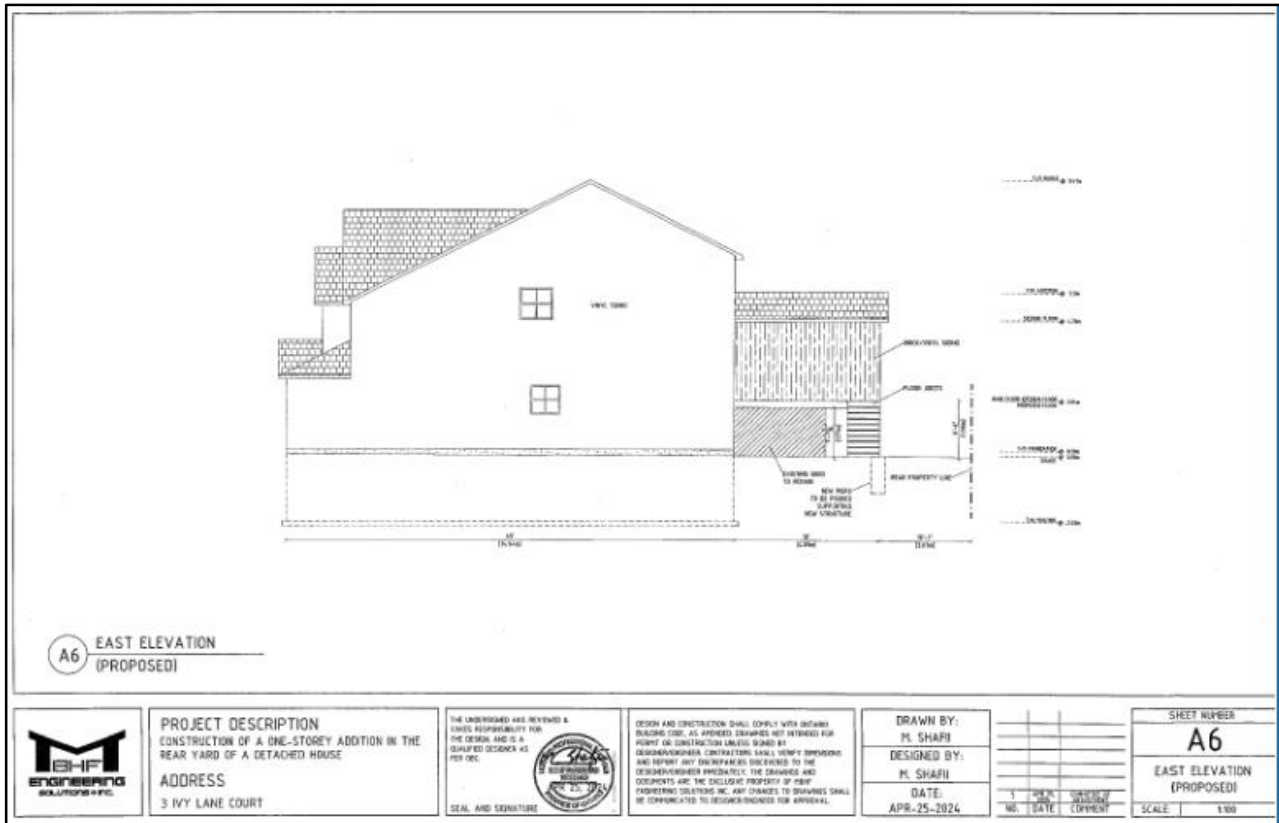


Figure 4: East Elevation

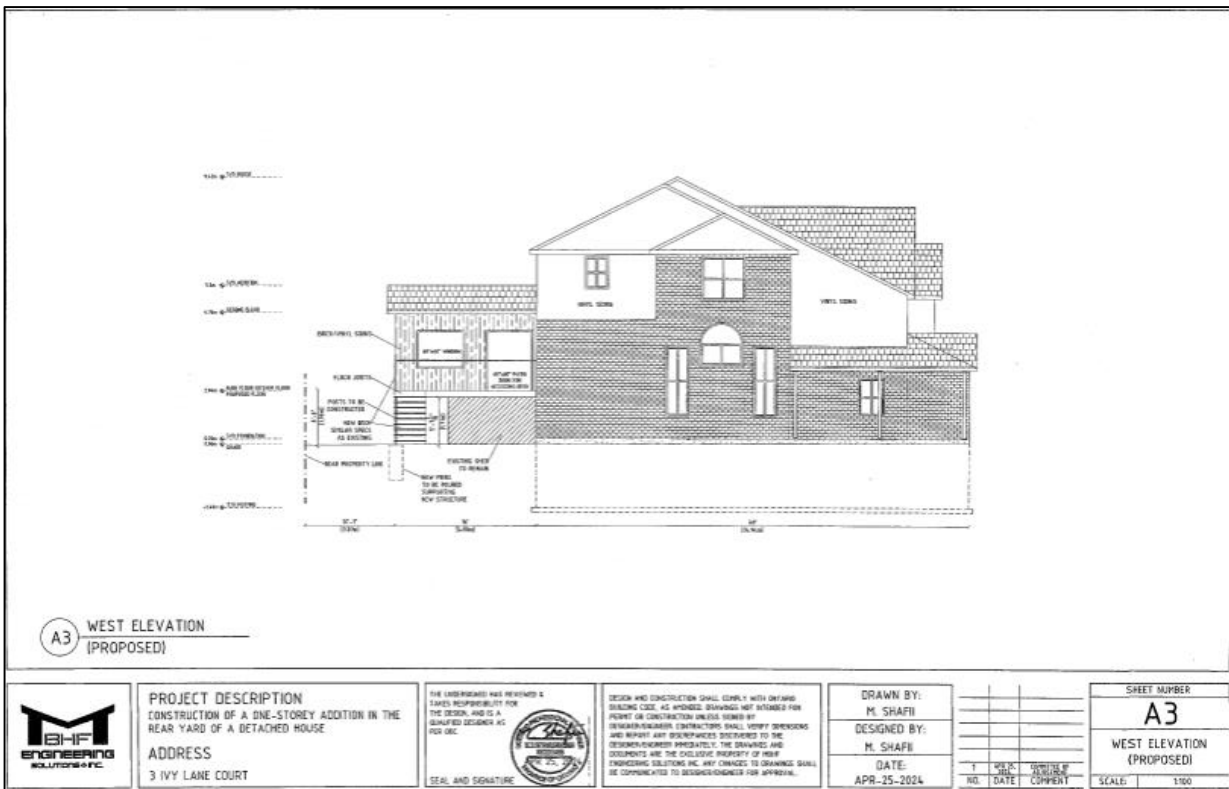


Figure 5: West Elevation.

Staff conducted a site visit to the subject property on June 3rd, 2024.



Figure 6: Front View of Subject Property.



Figure 7: Rear Yard of Subject Property.



Figure 8: Existing Side Yard Screening and Vegetation.



Figure 9: Rear Yard Screening.

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated 'Low Rise Residential' on Map 3 – Land Use. This designation places emphasis on compatibility of building form with respect to massing, scale, and design in order to support the successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. It is the opinion of staff that the requested variance for reduction in rear yard setback for a proposed addition conforms to the land use designation. Accordingly, the variance to facilitate the raised one-storey addition and deck will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulations in Section 7.3, Table 7-2, is to ensure that the built form of residential dwellings is appropriate for the lot and for the surrounding neighbourhood. The intent of the minimum rear yard setback requirement is to ensure adequate private amenity space for residents, as well as adequate separation between buildings on adjacent properties. Staff is of the opinion that there will still be adequate amenity space and privacy, as a similar size deck will be provided and there is a fence and vegetation between the subject property and the adjacent properties. Additionally, staff also notes that the rear yard of the subject property abuts the side yard of the adjacent property rather than a rear yard. Staff is of the opinion that the minor variance will meet the intent of the By-law.

Is/Are the Effects of the Variance(s) Minor?

Staff are of the opinion that the effects of the requested variance are minor. The privacy concerns related to the adjacent properties are minimal, as the addition will be setback 3 metres from the rear lot line and there is a wood privacy fence between the subject property and the side yard of the adjacent property.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Planning staff is of the opinion that the variance to reduce the minimum rear yard setback is desirable and appropriate as it will facilitate the relocation of the existing deck and expansion of indoor living space for the dwelling, increasing the functionality and desirability of the residential property.

Environmental Planning Comments:

Applicant must ensure tree in rear yard of 7 Ivy Lane Court will not be impacted by construction activities.

Heritage Planning Comments: Heritage

Heritage Planning have no concerns with this application.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the addition to the single detached dwelling is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no comments with this application.

Parks/Operations Division Comments:

Parks/Operations Division have no concerns with this application.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Grand River Conservation Authority Comments:

GRCA has no concerns with this application.

Region of Waterloo Comments:

Region of Waterloo has no concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

CONSULT- Planning Staff had a phone conversation with an adjacent neighbour and answered questions about the proposed addition. Planning Staff followed up by email to provide elevation drawings to the neighbour for information.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*